

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DENNIS KYNE, DUSTIN LANGLEY, and  
CHARLES DUNCAN,

ECF Case

Index No. : 06 CV 2041

Plaintiffs,

**AFFIDAVIT OF SERVICE**

-against-

PAUL WOLFOWITZ, SECRETARY OF THE  
DEPARTMENT OF DEFENSE OF THE  
UNITED STATES OF AMERICA, ET AL.,

Defendants.

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State of New York     )  
                                  ) ss.:  
County of New York    )

Luis R. Ayala, being duly sworn, deposes and says that the deponent is not a party to this action, is over the age of eighteen years, is an independent process server (license number 1024905), and resides in the State of New Jersey:

(1) That on the 31st day of May 2006 at 4:00 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant John Scolaro at his place of employment, NYPD 78<sup>th</sup> Precinct, 65 6<sup>th</sup> Ave., Brooklyn, NY 11217. The documents were accepted by Sgt. O'Sullivan (#2357). Sgt. O'Sullivan is white, approximately 45 years old, 5'6" tall, 210 pounds, with light brown hair.

(2) That on the 31st day of May 2006 at 5:35 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant John Martinez at his place of employment, NYPD 112th Precinct, 68-40 Austin St., Forest Hills, NY 11375. The documents were accepted by P.O. Case (#20463). P.O. Case is a white male, approximately 30 years old,

5'9" tall, 180 pounds, with brown hair.

(3) That on the 1st day of June 2006 at 1:02 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendants City of New York and Mayor Michael Bloomberg at the New York City Law Department, 100 Church Street, New York, NY 10007. Both sets of documents were accepted and stamped by Jerry Bradshaw (window service clerk #2).

(4) That on the 1st day of June 2006 at 1:30 p.m., deponent served a Summons and Complaint in the above-captioned matter upon Martin Horn, NYCDOC Commissioner and Jorge Ocasio, NYCDOC Warden at their place of employment, 60 Hudson Street, 6<sup>th</sup> floor, New York, NY. Both sets of documents were accepted and stamped by C.O. Cyrus Walker (#13629). C.O. Walker is an African-American female, approximately 40 years old, 4'11" tall, 125 pounds, with black hair and glasses.

(5) That on the 1st day of June 2006 at 2:00 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendants New York City Department of Corrections and New York City Police Department at the New York City Law Department, 100 Church Street, New York, NY 10007. Both sets of documents were accepted and stamped by Madelyn Santana (docketing clerk #8).

(6) That on the 1st day of June 2006 at 2:31 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendants NYPD Commissioner Raymond Kelly, NYPD Chief of Department Joseph Esposito, NYPD Deputy Commissioner of Training Charles Derienzo, Lt. Daniel Albano (NYPD Legal Bureau) and James Roscher (NYPD Legal Bureau) at their place of employment, 1 Police Plaza, 14<sup>th</sup> floor, New York, NY 10038. All sets

of documents were accepted and stamped by Attorney John Davis. Mr. Davis is approximately 55 years old, 5'8" tall, 175 pounds, with brown hair and glasses.

(7) That on the 1st day of June 2006 at 2:45 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant John J. Colgan, Executive Officer, NYPD Counter-Terrorism Bureau at 1 Police Plaza, 11<sup>th</sup> floor, Room 1109, New York, NY 10038. The documents were accepted by Lt. Scudero. Lt. Scudero is Latina, approximately 35 years old, 145 pounds, 4'11" tall with black hair and glasses.

(8) That on the 1st day of June 2006 at 4:50 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant Thomas Graham at his place of employment, Disorder Control Unit, 1278 Sedgwick Ave., 2<sup>nd</sup> floor, Bronx, NY 10454. The documents were accepted by Sgt. McCabe (#454). Sgt. McCabe is a white male, 60 years old, 6' tall, 200 pounds, with glasses and gray hair.

(9) That on the 1st day of June 2006 at 4:50 p.m., deponent personally served a Summons and Complaint in the above-captioned matter upon defendant Matthew Whol at his place of employment, Disorder Control Unit, 1278 Sedgwick Ave., 2<sup>nd</sup> floor, Bronx, NY 10454. P.O. Whol is a white male, approximately 30 years old, 5'10" tall, 185 pounds.

(10) That on the 1st day of June 2006 at 5:25 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant Terrence Monahan at his place of employment, Patrol Bronx Borough, 450 Cross Bronx Expressway, Bronx, NY 10457. The documents were accepted and signed for by Sgt. Colon (#1160). Sgt. Colon is Latino, approximately 35 years old, 190 pounds with black/gray hair.

(11) That on the 1st day of June 2006 at 5:45 p.m., deponent personally served a

Summons and Complaint in the above-captioned matter upon defendant Roldan Mercandetti at his place of employment, NYPD 41<sup>st</sup> Precinct, 1035 Longwood Ave., Bronx, NY 10469. Capt. Mercandetti signed for the documents. He is a white male, approximately 5'9" tall, 200 pounds, 55 years old.

(12) That on the 1st day of June 2006 at 6:40 p.m., deponent personally served a Summons and Complaint in the above-captioned matter upon defendant Edward Murphy at his place of employment, Tri Borough Bronx Anti-Crime Unit, 4111 Lonconia Ave., Bronx, NY 10466. Sgt. Murphy is an African-American male, approximately 40 years old, 5'11" tall, 190 pounds, bald with green eyes.

(13) That on the 2nd day of June 2006 at 1:15 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendants The Hudson River Park Trust and Connie Fishman at Pier 40, West Houston Street, New York, NY 10014. Both sets of documents were accepted and signed for by Laure Silberfeld, general counsel. Ms. Silberfeld is a white female, approximately 40 years old, 5'8" tall, 160 pounds with blond hair.

(14) That on the 2nd day of June 2006 at 1:55 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant Detective Christopher Ambrose at his place of employment, 315 Hudson Street, 3<sup>rd</sup> floor, New York, NY 10013. The documents were accepted and signed for by SPA Jacob at the Office of Internal Affairs. Mr. Jacob is an Indian male, approximately 55 years old, 5'6" tall, 160 pounds.

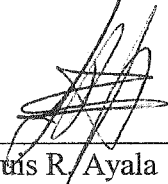
(15) That on the 8th day of June 2006 at 3:00 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant Raymond Spinella at his place of employment, Police Academy, 235 East 20<sup>th</sup> Street, 6<sup>th</sup> floor, New York, NY 10003. The

documents were accepted and signed for by Lt. Birnbaum. Lt. Birnbaum is a white female, approximately 50 years old, 5'9" tall, 170 pounds.

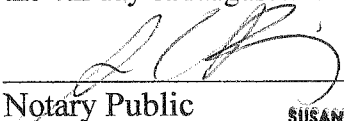
(16) That on the 8<sup>th</sup> day of June 2006 at 3:17 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant Bruce H. Smolka at his place of employment, Patorl South Task Force, 230 East 21<sup>st</sup> St., New York, NY 10010. The documents were accepted by SPAA Patricia Herman. SPAA Herman is an African-American female, approximately 5'8" tall, 55 years old, 175 pounds with glasses and black hair.

(17) That on the 28th day of June 2006 at 6:25 p.m., deponent served a Summons and Complaint in the above-captioned matter upon defendant Roland Betts at his residence, 313 West 102<sup>nd</sup> St., New York NY. The documents were accepted by Ms. Betts. She was African American approximately 4'11" tall, 60 years old, 135 pounds with gray hair.

(18) That on the 4th day of August 2006, deponent mailed a true copy of the Summons and Complaint to each defendant listed in paragraphs 1-17 above at the same place where the defendant was served. Each envelope was marked "Personal and Confidential" and without any indication that communication was from an attorney or concerned any action against the defendant. The envelopes were placed in a U.S. mailbox at 23<sup>rd</sup> Street and 6<sup>th</sup> Avenue, New York, NY.

  
\_\_\_\_\_  
Luis R. Ayala  
158 Carteret St., Glen Ridge, NJ 07028

Sworn to and Subscribed Before Me  
the 4th day of August 2006

  
\_\_\_\_\_  
Notary Public  
SUSAN C. BAILEY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 018A6121503  
Qualified in New York County  
Commission Expires January 18, 2009

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

DENNIS KYNE, DUSTIN LANGLEY, and  
CHARLES DUNCAN,

Plaintiffs,

V.

PAUL WOLFOWITZ, SECRETARY OF THE  
DEPARTMENT OF DEFENSE OF THE UNITED  
STATES OF AMERICA, ET AL.,

Defendants [see rider attached].

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

06 CV 2041

TO: (Name and address of defendant)

PAUL WOLFOWITZ, SECRETARY OF THE DEPARTMENT OF DEFENSE OF THE  
UNITED STATES OF AMERICA, ET AL. [see rider attached]

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

GIDEON O. OLIVER, ESQ.  
OLIVER & OLIVER  
c/o 200 East 10th Street #917  
New York, New York 10003

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this  
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for  
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period  
of time after service.

J. MICHAEL McMAHON

CLERK

DATE

DEPUTY CLERK

MAR 15 2006

2006 JUN -1 P 2:31  
CITY OF NEW YORK  
POLICE DEPARTMENT

2006 JUN 1 PM 2:08  
CITY OF N.Y. LAW DEPT.  
OFFICE OF CORP. COUNSEL  
COMMUNICATIONS SECTION

2006 MAR 15 PM 3:11  
CITY OF N.Y. LAW DEPT.  
OFFICE OF CORP. COUNSEL  
COMMUNICATIONS SECTION

2006 JUN 1 PM 1:02  
CITY OF N.Y. LAW DEPT.  
OFFICE OF CORP. COUNSEL  
COMMUNICATIONS SECTION

2006 JUN -2 P 1:20  
HUBBARD PARK TRUST  
RECEIVED

Jaime S. Harfeld  
6/2/06

[Handwritten signature]



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DENNIS KYNE, DUSTIN LANGLEY, and CHARLES DUNCAN,

Plaintiffs,

- against -

PAUL WOLFOWITZ, SECRETARY OF THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA; THE CITY OF NEW YORK ("NYC"), a municipal entity; THE NEW YORK CITY POLICE DEPARTMENT ("NYPD"); THE NEW YORK CITY DEPARTMENT OF CORRECTIONS ("NYCDOC"); THE HUDSON RIVER PARK TRUST ("HRPT"), a joint City-State body; CONNIE FISHMAN, HRPT PRESIDENT; THE REPUBLICAN NATIONAL CONVENTION HOST COMMITTEE ("RNCHC"); ROLAND BETTS, CO-VICE CHAIR OF THE RNCHC; NYC MAYOR MICHAEL BLOOMBERG; MARTIN HORN, NYCDOC COMMISSIONER; JORGE OCASIO, NYCDOC WARDEN; RAYMOND KELLY, NYPD COMMISSIONER; JOSEPH ESPOSITO, NYPD CHIEF OF DEPARTMENT; STEPHEN L. HAMMERMAN, NYPD DEPUTY COMMISSIONER OF LEGAL MATTERS; BRUCE H. SMOLKA, ASSISTANT CHIEF, NYPD MANHATTAN SOUTH TASK FORCE; THOMAS GRAHAM, COMMANDER, NYPD DISORDER CONTROL UNIT; TERRENCE MONAHAN, ASSISTANT CHIEF, NYPD BRONX BOROUGH COMMAND; JOHN J. COLGAN, EXECUTIVE OFFICER, NYPD COUNTER-TERRORISM BUREAU; CHARLES DERIENZO, NYPD DEPUTY COMMISSIONER OF ADMINISTRATION; ROLAND MERCANDETTI, CAPTAIN, NYPD PATROL BORO BRONX SOUTH TASK FORCE; JOHN SCOLARO, CAPTAIN, 98<sup>th</sup> PRECINCT; DETECTIVE CHRISTOPHER AMBROSE NYPD LEGAL BUREAU; DANIEL ALBANO, LIEUTENANT, NYPD LEGAL BUREAU; NYPD LIEUTENANT RAYMOND SPINELLA; NYPD LIEUTENANT JOE MAHER; NYPD SERGEANT EDWARD MURPHY, PATROL BORO BRONX ANTI-CRIME UNIT, SHIELD NO. 1502; MALE FIRST NAME AND LAST NAME UNKNOWN NYPD BICYCLE SERGEANT ("UNIDENTIFIED BICYCLE SERGEANT"); NYPD PATROL BORO BRONX SOUTH TASK FORCE OFFICER MATTHEW WOHL, SHIELD NO. 6956; NYPD OFFICER JOHN MARTINEZ, 112<sup>th</sup> PRECINCT, SHIELD NO. 23496; NYPD LEGAL BUREAU OFFICER JAMES ROSCHER, SHIELD NO. 17208; UNIDENTIFIED NYPD SUPERVISORS AND OFFICERS JOHN AND JANE DOES; and UNIDENTIFIED RICHARD AND MARY ROE FEDERAL, STATE, AND/OR CITY LAW ENFORCEMENT AGENTS, INCLUDING ONE SUCH "MARY ROE" UNIDENTIFIED FEDERAL, STATE, OR CITY LAW ENFORCEMENT AGENT WEARING A LIGHT-BLUE T-SHIRT ("BLUE"), individually and in their official capacities, jointly and severally,

Defendants.

2006 JUN 1 PM 1 02  
CITY OF N.Y. LAW DEPT.  
OFFICE OF CORP. COUNSEL  
COMMUNICATIONS SECTION

CITY OF N.Y. LAW DEPT.  
OFFICE OF CORP. COUNSEL  
COMMUNICATIONS SECTION

Reed  
@1303 hrs  
6/2/06  
SPAA Jacob  
Belmer

FEE RECEIPT PD 122-017 (Rev. 2-00)-Pent		RECEIPT NUMBER
Invoice / Lic. / Permit / Summons Nos., Etc. <i>Case # 06 CV 2041</i>		<i>A8511118</i>
Received From:	Name <i>Luis Ayala - Process Server</i>	Date <i>6/8/06</i>
The Sum of:		Time <i>3:00pm</i>
For <i>Det. Raymond Spinella</i>		Dollars \$ <i>—</i>
TOWING AND STORAGE CHARGES		<input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> M.O.
From	To	Signature <i>Lt. Robin Bl...</i>
20	20	Last Name (Printed) <i>Dinbourn</i>
No. of Days	At \$	Rank/Title <i>LT</i>
per day	\$	Shield No. <i>—</i>
Towing Charge	\$	Command <i>P.A.</i>
Total	\$	